



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

Trevor Potter, Esq.
Matthew T. Sanderson, Esq.
Caplin & Drysdale Chartered
1 Thomas Circle, NW
Washington, DC 20005

MAY 20 2016

RE: MUR 6825

Dear Mr. Potter and Mr. Sanderson:

On May 27, 2014, the Federal Election Commission notified your clients, Tom MacArthur for Congress and Ronald Gravino in his official capacity as treasurer (the "Committee"), of a complaint alleging violations of certain sections of the Federal Election Campaign Act of 1971, as amended. On April 27, 2016, based upon the information contained in the complaint, and information provided by the Committee, the Commission decided to exercise its prosecutorial discretion to dismiss the complaint and close its file in this matter. Accordingly, the Commission closed its file in this matter on April 27, 2016.

Documents related to the case will be placed on the public record within 30 days. See Statement of Policy Regarding Disclosure of Closed Enforcement and Related Files, 68 Fed. Reg. 70,426 (Dec. 18, 2003) and Statement of Policy Regarding Placing First General Counsel's Reports on the Public Record, 74 Fed. Reg. 66,132 (Dec. 14, 2009). A copy of the dispositive General Counsel's Report is enclosed for your information.

If you have any questions, please contact Ruth Heilizer, the attorney assigned to this matter, at (202) 694-1650.

Sincerely,

Daniel A. Petalas
Acting General Counsel

A handwritten signature in black ink, appearing to read "Jeff S. Jordan", is written over the typed name and title.

BY: Jeff S. Jordan
Assistant General Counsel
Complaints Examination and
Legal Administration

Enclosure
General Counsel's Report

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FEDERAL ELECTION COMMISSION
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BEFORE THE FEDERAL ELECTION COMMISSION

**ENFORCEMENT PRIORITY SYSTEM
DISMISSAL REPORT**

SENSITIVE

MUR: 6825

Complaint Receipt Date: May 19, 2014

Response Date(s): July 14, 2014

Respondents:

Tom MacArthur for Congress
Ronald Gravino as treasurer
(collectively the "Committee")

EPS Rating:

Alleged Statutory/

52 U.S.C. § 30120(a)(1)

Regulatory Violations:

11 C.F.R. §§ 100.26, 110.11(b)(1)

The Complaint alleges that the Committee violated the Federal Election Campaign Act of 1971, as amended (the "Act") and Commission regulations by mailing campaign brochures that lacked disclaimers stating that the Committee had paid for them. Respondents acknowledged that the disclaimers were inadvertently omitted.

The brochure enclosed with the Complaint included printed references to the Committee and photographs of MacArthur, a summary of his campaign platform and a statement signed by him, and the Committee's logo, official website address, return mailing address, and the address of its related social media accounts. Thus, although noncompliant, the information contained in the brochure reflects the identity of the party responsible for it.


Based on its experience and expertise, the Commission has established an Enforcement Priority System using formal, pre-determined scoring criteria to allocate agency resources and assess whether particular matters warrant further administrative enforcement proceedings. These criteria include (1) the gravity of the alleged violation, taking into account both the type of activity and the amount in violation; (2) the apparent impact the alleged violation may have had on the electoral process; (3) the complexity of the legal issues raised in the matter; and (4) recent trends in potential violations and other developments in the law. This matter is rated as low priority for


Commission action after application of these pre-established criteria. Given that low rating and the other circumstances presented, we recommend that the Commission dismiss the allegations consistent with the Commission's prosecutorial discretion to determine the proper ordering of its priorities and use of agency resources. *Heckler v. Chaney*, 470 U.S. 821, 831-32 (1985). We also recommend that the Commission close the file as to all respondents and send the appropriate letters.

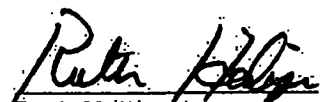
Daniel A. Petalas
Acting General Counsel

4/7/16
Date

BY:


Kathleen M. Guith
Acting Associate General Counsel
for Enforcement


Jeff S. Jordan
Assistant General Counsel
Complaints Examination
& Legal Administration


Ruth Heilizer
Attorney
Complaints Examination
& Legal Administration

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